JM

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2007 OCT 18 AM 9:55

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY ___ DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Vincent JIMENEZ** Defendant.	Magistrate Case No. '07 MJ 2488 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **October 16, 2007**, within the Southern District of California, defendant **Vincent JIMENEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Rigoberto CONTRERAS-Valladares**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF **October**, 2007.

UNITED STATES MAGISTRATE JUDGE

JDM

PROBABLE CAUSE STATEMENT

The complainant states that **Rigoberto CONTRERAS-Valladares** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 16, 2007 at approximately 10:20 PM **Vincent JIMENEZ (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a blue GMC Sierra pick-up. Defendant presented a California driver license bearing his name and photograph to a Customs and Border Protection (CBP) Officer. The CBP Officer received a negative customs declaration from the Defendant. The CBP Officer observed a space discrepancy between the rear seat and rear cab wall. The CBP Officer conducted a cursory inspection of the space discrepancy and observed a person concealed. The CBP Officer proceeded to refer Defendant into secondary inspection.

During secondary inspection, a non-factory compartment between the rear seat and rear cab wall was discovered. Subsequently, two male individuals were removed from the compartment. The male individuals were determined to be citizens of Mexico with no entitlements to enter the United States. One was identified as **Rigoberto CONTRERAS-Valladares** is retained as a **Material Witness**. All individuals were escorted to the prosecutions unit for further processing.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During the interview Defendant admitted knowledge to attempting to smuggle one undocumented alien into the United States. Defendant admitted that he had knowledge that Material Witness is a citizen of Mexico with no entitlements to enter the United States. Defendant admitted that Material Witness was placed in the GMC Sierra by another male in Tijuana, Mexico. Defendant admitted his intentions were to smuggle Material Witness into the United States.

During a videotaped interview Material Witness admitted he is a citizen of Mexico without legal documentation to enter into, pass through, or remain in the United States. Material Witness stated he was going to pay $50,000 pesos to be smuggled into the United States. Material Witness stated he intended to travel to Los Angeles, California to seek residency and employment.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE